

**PROOF OF TRANSMISSION BY FAX**

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of transmission I was at least 18 years of age and not a party to this legal proceeding.

On March 24, 2008 at , I transmitted to the following documents by facsimile machine. The facsimile machine I used complied with rule 2003 and no error was reported by the machine. Pursuant to rule 2006, I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 24, 2008, at San Francisco, California.

On the date set forth below, following ordinary business practice, I served a true copy of the foregoing document(s) described as:

**PLAINTIFF'S STATEMENT IN LIEU OF ITS RULE 26(F) REPORT  
PLAINTIFF'S CASE MANAGEMENT STATEMENT**

in the manner indicated below upon the entities listed below via the means listed below:

☒ (BY FACSIMILE SERVICE) I caused such facsimiles to be delivered on March 24, 2008 by facsimile to the offices of the following addressee(s).

Mr. Gregory Gordon  
JONES DAY  
2727 North Harwood Street  
Dallas, TX 75102

Mr. Tobias Keller  
JONES DAY  
555 California Street, 26<sup>th</sup> Floor  
San Francisco, CA 94104

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 24, 2008, at San Francisco, California.

/s/  
John D. Di Giacomo